

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,	:	
	:	
v.	:	3:17-CR-00201
	:	(JUDGE MARIANI)
JERY DELACRUZ,	:	
	:	
Defendant.	:	

ORDER

AND NOW, THIS 19th DAY OF APRIL, 2019, upon consideration of

Defendant Jery Delacruz's Motion to Compel Discovery Materials (Doc. 57) and Motion for Early Disclosure of Jencks Material Pursuant to 18 U.S.C. § 3500 and Federal Rule of Criminal Procedure 26.2 (Doc. 58), for the reasons set forth in the accompanying memorandum opinion, **IT IS HEREBY ORDERED THAT:**

1. Defendant's Motion to Compel Discovery Materials (Doc. 57) is **GRANTED IN PART**

AND DENIED IN PART AS FOLLOWS:

- a. Defendant's request that the Government provide notice of its intention to use hearsay statements pursuant to Rule 807 of the Federal Rules of Evidence is **DENIED WITHOUT PREJUDICE.**
- b. Defendant's request that the Government disclose expert information pursuant to Rule 16(a)(1)(G) of the Federal Rules of Criminal Procedure and Federal Rules of Evidence 702, 703 and 705 is **GRANTED** only as follows: to the extent that it has not already done so, the Government shall provide the

defendant with a written summary of any expert testimony that it intends to offer as well as the qualifications of any expert that it intends on using.

- c. Defendant's request that the Government disclose its intention to use evidence pursuant to Rules 404(b) and 609 of the Federal Rules of Evidence

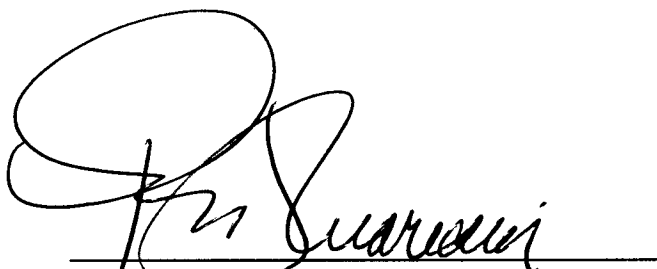
is **GRANTED IN PART AND DENIED IN PART AS FOLLOWS:**

- i. The Government shall produce all Fed. R. Evid. 404(b) evidence of which it is aware and that it intends to offer at trial no later than **ten calendar days** prior to trial.
- ii. To the extent the Government becomes aware of any evidence which falls within the ambit of Fed. R. Evid. 609(b), it shall provide Defendant notice of its intent to use such evidence at trial no later than **ten calendar days** prior to trial.

- d. Defendant's request that the Government disclose its witnesses and any statements made by witnesses including the identity of confidential informants and any inducements offered to those individuals in an effort to procure their testimony is **DENIED**.

- e. Defendant's request that the Government disclose all evidence sought to be admitted at trial by the Government pursuant to the "co-conspirator exception" to the hearsay rule 801(d)(2)(e) is **DENIED**.

- f. Defendant's request for any and all evidence requested in Exhibit A that has not been provided to the Defense by the Government is **DENIED WITHOUT PREJUDICE**.
- g. To the extent that the Government has not already done so, the Government shall turn over any and all information which meets the *Brady* and *Giglio* standards for disclosure at the appropriate time and shall fully comply with its duty to learn of any as-yet-unknown evidence properly disclosable under *Brady* and *Giglio*.
2. Defendant's Motion for Early Disclosure of Jencks Material Pursuant to 18 U.S.C. § 3500 and Federal Rule of Criminal Procedure 26.2 (Doc. 58) is **DENIED**.
3. A telephone conference to schedule this matter for trial shall be held on **Thursday, April 25, 2019 at 12:00 p.m.** The Government is responsible for arranging the call to (570) 207-5750 and all parties should be ready to proceed before the undersigned is contacted.



Robert D. Mariani
United States District Judge